

APPENDIX D**EXCERPTS OF TESTIMONY FROM PLAINTIFFS' DEPOSITIONS REGARDING THE EFFICACY OF VALSARTAN****I. VALSARTAN WAS EFFECTIVE**

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Borkowski, Alphonse (May 18, 2021)	Exhibit 2	41:5-19	<p>Q. So it looks like from this chart here the valsartan -- you started taking these valsartan products in June of 2015 and stopped sometime around August of 2018. During that time, did you experience any symptoms or ill effects of hypertension?</p> <p>A. As to? What do you mean?</p> <p>Q. I guess what I'm trying to get at is was the valsartan effective at treating your hypertension?</p> <p>A. It appeared to be.</p> <p>Q. Did Dr. Botsoglou ever indicate there was an issue with the valsartan and your hypertension treatment?</p> <p>A. Not that I remember.</p>

¹ With limited exceptions, for the majority of the putative class representatives, Plaintiffs failed to timely designate portions of those deposition transcripts as confidential as required by the applicable Confidentiality and Protective Order. *See* ECF 139, ¶ 17(B) (“If no party or deponent timely designates PROTECTED INFORMATION in a transcript, **none of the transcript will be treated as confidential.**”); ECF 1661, ¶ 17(B). Due to Plaintiffs’ failure to make specific designations to preserve confidentiality over the deposition transcripts, Defendants have filed all deposition transcripts for putative class representatives under seal in an abundance of caution in order to ensure that no PHI is inadvertently disclosed. However, by doing so, Defendants do not concede or admit to the confidentiality of any portions of those deposition transcripts.

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Bruner, Billy (May 7, 2021)	Exhibit 3	39:6-40:5	<p>Q. Are you claiming that the Valsartan that we have listed in this chart here was ineffective at treating your hypertension?</p> <p>A. No.</p> <p>Q. Would you say that the Valsartan effectively treated your hypertension?</p> <p>A. Yes.</p> <p>Q. Okay. Do you recall about how long you were taking these -- how long you were taking Valsartan?</p> <p>A. It's four years.</p> <p>Q. Okay. So we can say it was about four years?</p> <p>A. Yes.</p> <p>Q. And over that four years, did you have any issues with your hypertension?</p> <p>A. No.</p> <p>Q. Did a doctor ever tell you that the Valsartan was ineffective at treating your hypertension?</p> <p>A. No.</p> <p>Q. Okay. And over that four years did you experience any symptoms related to your hypertension?</p> <p>A. No.</p>

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Burnett, Gary (March 9, 2021)	Exhibit 4	147:25-148:5	Q. So of those four that we talked about, the Amlodipine, Lisinopril, Valsartan HCTZ, and Olmesartan HCT, can you identify any one of them as being the most effective at managing your blood pressure? A. It was Valsartan.
Cooper, Glenda (December 17, 2021)	Exhibit 7	27:9-13 ²	[REDACTED] [REDACTED] [REDACTED]

² Plaintiffs have designated the cited testimony as confidential. Defendants do not concede that the cited testimony has been properly designated in accordance with the definition of “PROTECTED INFORMATION” as defined in the Amended Confidentiality and Protective Order [ECF 1661] (the “Order”) and do not waive their right or ability to subsequently challenge such designations as permitted by ¶ 20 of the Order.

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Duffy, John (February 9, 2021)	Exhibit 9	18:24-19:8	Q. And the Valsartan that you took was effective in treating your hypertension, correct? A. I don't know how effective it was or wasn't. I would leave that to the doctor to determine that. I don't talk about that. I don't know. I was prescribed it and I took it.
		216:17-217:7	Q. Did your doctor ever tell you that it was not effective? A. I don't recall that, no. I don't recall my doctor ever saying that, no. [...] But as you've testified before, your Valsartan was effective in treating your hypertension, correct? [...] A. So the question earlier was, did this -- did Valsartan work in treating my hypertension, right? And basically we're going over that again. As far as I could tell in taking it -- you know, I can't say anything for sure just how much of an effect it had on my blood pressure, but I assume it did.

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Erwin, Eric (January 19, 2021)	Exhibit 10	16:9-12	Q. All right. Is it your claim that the valsartan you took was ineffective in treating your hypertension? A. No, it's not. [...]
		137:4-19	Q. If the valsartan products that you had were not contaminated, would you have felt safe continuing to take them? A. If they weren't contaminated, absolutely. Q. Okay. You thought they were a good drug? A. When I was taking it and under the impression, yes. Q. You found that it was effective in managing your hypertension? A. It did manage it. Q. And if you had not been worried about contamination, you would have kept taking the valsartan combination drug? A. Yes. I don't -- I don't see why we would have changed if it wasn't contaminated, because it was working.

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT # ¹	PAGE:LINE	TESTIMONY
Gildner, Leland (February 4, 2021)	Exhibit 11	56:24-57:11	Q. Do you recall any circumstance during the time that you were taking Valsartan where you felt that it was not being effective in controlling your hypertension? [...] A. I don't recall. Q. So you don't recall any time where you felt that the Valsartan wasn't effective in treating your hypertension? A. Correct.
Kaplan, Dennis (April 2, 2021)	Exhibit 12	17:21-18:6	Q. Were the recalled products that you took effective at treating your hypertension? [...] A. Yes. Q. So you don't have any complaints about the products and how they treated your hypertension? [...] A. No.

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT #¹	PAGE:LINE	TESTIMONY
Longwell, Veronica	Exhibit 15	26:10-16 ³	[REDACTED]
		72:19-23 ⁴	[REDACTED]
McLean, Mary (December 14, 2021)	Exhibit 17	18:5-7	Q. Do you believe that the Valsartan was effective in treating your hypertension? A. Yes.
Molinaro, Ronald (February 17, 2021)	Exhibit 18	93:25-94:2	Q. All right. Okay. Mr. Molinaro, were Valsartan drugs effective at treating your hypertension? A. I believe so.

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PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT #¹	PAGE:LINE	TESTIMONY
Mullins, Cheryl (March 30, 2021)	Exhibit 19	65:5-8	Q. Were the valsartan drugs that you purchased in 2018 effective at managing and controlling your hypertension? A. Yes.
Nelson, Gerald (February 26, 2021)	Exhibit 21	18:5-11	Q. Right. But are you claiming that it was ineffective at treating your hypertension? [...] A. No. It's been controlling my blood pressure.
Roberts, Robin (February 2, 2021)	Exhibit 22	15:13-15	Q. Okay. Did the Valsartan that you took effectively treat your hypertension? A. Yes.
Semmel, Lawrence (February 2, 2021)	Exhibit 23	16:20-23	Q. Is it your understanding that the Valsartan you were taking that was recalled was ineffective for treating your hypertension? A. Ineffective, no. It worked. But that doesn't make it -- it's still contaminated.

II. VALSARTAN WAS INEFFECTIVE OR INCONSISTENTLY EFFECTIVE

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT #	PAGE:LINE	TESTIMONY
McGilvery, Flora (February 11, 2021)	Exhibit 16	125:19-126:19	<p>Q. When you switched to generic Valsartan HCTZ, I believe we looked at your Exhibit 2 and decided that was in 2012, I think October of 2012. Did you notice any change in how effective it was at regulating your blood pressure?</p> <p>[...]</p> <p>A. Yes.</p> <p>Q. Okay. What change did you notice?</p> <p>A. When I was taking the Valsartan, it hadn't regulated it but then I noticed some change with my blood pressure and my heart rate.</p> <p>Q. Okay. Was that in 2012 when you switched or was that later?</p> <p>A. That was later with the Valsartan. That was later, I can't recall exactly, but I just noticed some change in my body and that's when I had received the letter.</p>

PLAINTIFF DEPOSITION	DEFENSE OPPOSITION EXHIBIT #	PAGE:LINE	TESTIMONY
Neal, Talsie (January 29, 2021)	Exhibit 20	54:2-15	<p>Q. If by “medicine” you mean the valsartan hydrochlorothiazide that is in your plaintiff fact sheet and in Exhibit 4 here, did that work to keep your blood pressure down?</p> <p>A. You could say yes; you could say no.</p> <p>Q. Well, tell me about that. Why either way?</p> <p>A. Sometime my blood pressure was okay; sometime it wasn’t.</p> <p>Q. Okay. From 2017 -- during the years, let’s say, from January of 2017 through the end of July in 2018, did your blood pressure stay within, you know, good limits, where you wanted it to be?</p> <p>A. Sometimes. The doctor said sometimes it was too high, and sometimes it was too low.</p>